

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLD REPUBLIC INSURANCE CO.,	:	Civil Action
Plaintiff,	:	
	:	No. 02-5145 (consolidated)
v.	:	
	:	
LUMBERMENS MUTUAL CASUALTY CO.,	:	
Defendant.	:	
	:	
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OLD REPUBLIC INSURANCE CO.,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
THE VENATOR GROUP, INC. and FOOT	:	
LOCKER, INC.,	:	
Defendants.	:	

MOTION FOR SUMMARY JUDGMENT OF
DEFENDANTS VENATOR GROUP, INC. AND FOOT LOCKER, INC.

Defendants Venator Group, Inc. and Foot Locker, Inc. (hereinafter collectively referred to as "Foot Locker"), by their attorneys, Hecker Brown Sherry and Johnson LLP, hereby move for summary judgment in their favor and against plaintiff Old Republic Insurance Company and in support thereof aver as follows:

1. On November 27, 2002, Old Republic instituted this declaratory judgment action seeking a determination that it is not required to indemnify Foot Locker against any liability it might incur to William and Irene Ricchiuti in an action filed against Foot Locker in this court captioned Ricchiuti v. Venator Group, Inc., Civil Action No. 99-1976 (E.D. Pa.).

2. For the reasons set forth in the Memorandum of Law submitted herewith and incorporated herein by reference, Foot Locker is entitled to judgment in its favor as a matter of law as to the claims asserted by Old Republic.

WHEREFORE, Venator Group, Inc. and Foot Locker, Inc. respectfully request entry of an Order granting summary judgment in their favor and against Old Republic Insurance Company and declaring that Old Republic Insurance Company is obligated to indemnify them in connection with the Ricchiuti action.

HECKER BROWN SHERRY AND JOHNSON LLP

DATED: _____

By: _____

Peter C. Kennedy
Attorney ID #46422
M. Jane Goode
Attorney ID #37247
1700 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103
(215) 665-0400

Attorneys for Defendants
Venator Group, Inc. and Foot
Locker, Inc.